

Message

From: Binder, Jonathan [Binder.Jonathan@epa.gov]
Sent: 7/27/2020 10:55:21 PM
To: Byrne, Andrew [Byrne.Andrew@epa.gov]; Baca, Andrew [Baca.Andrew@epa.gov]
Subject: FW: OK O&G

From: Alvarado, Tina <Alvarado.Tina@epa.gov>
Sent: Monday, July 27, 2020 6:29 PM
To: Tunis, Catherine <Tunis.Catherine@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>; Shaikh, Taimur <Shaikh.Taimur@epa.gov>
Subject: RE: OK O&G

Please feel free to check back in with me in a couple of weeks. Meanwhile, since you have an O&G focus, I thought this may be of interest to you. I received this press release from my contacts at the Solicitor's Office, which is how I found out the letter had been signed. Ex. 5 Deliberative Process (DP) state. It may be a couple of months before we have the answers.

<https://mailchi.mp/ab9bf55d420f/petroleum-pandemic-response-critical-infrastructure-designation-4863314?e=2b41848a34>

Tina

Tina Alvarado
Assistant Regional Counsel
Tribal and Cross-Cutting Law
U.S. Environmental Protection Agency
Office of Regional Counsel, 6RC-D
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733
(214) 665-2709

From: Tunis, Catherine <Tunis.Catherine@epa.gov>
Sent: Monday, July 27, 2020 4:44 PM
To: Mia, Marcia <Mia.Marcia@epa.gov>; Alvarado, Tina <Alvarado.Tina@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>; Shaikh, Taimur <Shaikh.Taimur@epa.gov>
Subject: RE: OK O&G

Yes, that's been done. If we have something in a few weeks, we'll revisit.

Catherine Tunis
202-564-0476
202-564-0050 fax
"Public Service is a Public Trust," 5 CFR § 2635.101
Office of Enforcement and Compliance Assurance
Visit the Compliance Assistance Centers at <https://www.complianceassistance.net/>
<http://www2.epa.gov/compliance/next-generation-compliance>

From: Mia, Marcia <Mia.Marcia@epa.gov>

Sent: Monday, July 27, 2020 5:43 PM

To: Tunis, Catherine <Tunis.Catherine@epa.gov>; Alvarado, Tina <Alvarado.Tina@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>; Shaikh, Taimur <Shaikh.Taimur@epa.gov>

Subject: RE: OK O&G

I wanted to close the loop on this. At this point, we will advise that the grantee (NCMS) not put anything in the ECIEE Compliance Assistance Portal related to this topic.

Thanks for the discussion and input!

Marcia B Mia

Unconventional Oil and Gas Point of Contact (UOG POC)

Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency

202-564-7042

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From: Tunis, Catherine <Tunis.Catherine@epa.gov>

Sent: Wednesday, July 22, 2020 6:16 PM

To: Alvarado, Tina <Alvarado.Tina@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Shaikh, Taimur <Shaikh.Taimur@epa.gov>

Subject: RE: OK O&G

Ex. 5 Deliberative Process (DP)

Catherine Tunis

202-564-0476

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"Public Service is a Public Trust," 5 CFR § 2635.101

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From: Alvarado, Tina <Alvarado.Tina@epa.gov>

Sent: Wednesday, July 22, 2020 6:15 PM

To: Tunis, Catherine <Tunis.Catherine@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Shaikh, Taimur <Shaikh.Taimur@epa.gov>

Subject: RE: OK O&G

Generally, I would agree that citing to the case is fine, but whether we are implementing programs could change overnight if the state invokes the SAFETEA provision. So even citing to the case could be confusing or imply that EPA has now "taken over". We haven't. We also haven't yet had discussions with our programs about implications in any detail, and I wouldn't want them to start getting calls because posting the case implies that we have jurisdiction. Also, I know based on new reports the O&G sector in OK is freaking out about this decision and so I wouldn't want to imply anything about jurisdictional issues at this point until we know more.

From: Tunis, Catherine <Tunis.Catherine@epa.gov>

Sent: Wednesday, July 22, 2020 5:07 PM

To: Alvarado, Tina <Alvarado.Tina@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>; Mia, Marcia

<Mia.Marcia@epa.gov>; Shaikh, Taimur <Shaikh.Taimur@epa.gov>

Subject: RE: OK O&G

We could say nothing. We had discussed and agreed to just say the decision exists and link to it. I would not say anything about what EPA is doing until we have something definitive to say.

Catherine Tunis

202-564-0476

202-564-0050 fax

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From: Alvarado, Tina <Alvarado.Tina@epa.gov>

Sent: Wednesday, July 22, 2020 6:05 PM

To: Tunis, Catherine <Tunis.Catherine@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Shaikh, Taimur <Shaikh.Taimur@epa.gov>

Subject: RE: OK O&G

Sorry I missed your call earlier, we were having our RTOC meeting and so I couldn't join.

Do we have to say anything? If we have to, can we just say we are evaluating its potential impacts? I think we are in a situation currently where it would probably be best not to say anything about the decision.

Tina

From: Tunis, Catherine <Tunis.Catherine@epa.gov>

Sent: Wednesday, July 22, 2020 4:46 PM

To: Binder, Jonathan <Binder.Jonathan@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Shaikh, Taimur <Shaikh.Taimur@epa.gov>

Cc: Alvarado, Tina <Alvarado.Tina@epa.gov>

Subject: RE: OK O&G

I thought we decided to be neutral. If "likely to" seems too strong, we could say "may" or even leave that whole sentence out.

I would not encourage regulated entities to consult their attorneys—that seems like maybe we are encouraging litigation?

Catherine Tunis

202-564-0476

202-564-0050 fax

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From: Binder, Jonathan <Binder.Jonathan@epa.gov>

Sent: Wednesday, July 22, 2020 5:41 PM

To: Tunis, Catherine <Tunis.Catherine@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Shaikh, Taimur <Shaikh.Taimur@epa.gov>

Cc: Alvarado, Tina <Alvarado.Tina@epa.gov>

Subject: RE: OK O&G

Ex. 5 Deliberative Process (DP)

From: Tunis, Catherine <Tunis.Catherine@epa.gov>

Sent: Wednesday, July 22, 2020 5:37 PM

To: Binder, Jonathan <Binder.Jonathan@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Shaikh, Taimur <Shaikh.Taimur@epa.gov>

Cc: Alvarado, Tina <Alvarado.Tina@epa.gov>

Subject: RE: OK O&G

Fixed quotation mark below.

Catherine Tunis

202-564-0476

202-564-0050 fax

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From: Binder, Jonathan <Binder.Jonathan@epa.gov>

Sent: Wednesday, July 22, 2020 5:35 PM

To: Tunis, Catherine <Tunis.Catherine@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Shaikh, Taimur <Shaikh.Taimur@epa.gov>

Cc: Alvarado, Tina <Alvarado.Tina@epa.gov>

Subject: RE: OK O&G

Is that your draft?

From: Tunis, Catherine <Tunis.Catherine@epa.gov>

Sent: Wednesday, July 22, 2020 4:50 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Shaikh, Taimur <Shaikh.Taimur@epa.gov>; Binder, Jonathan <Binder.Jonathan@epa.gov>

Cc: Alvarado, Tina <Alvarado.Tina@epa.gov>

Subject: RE: OK O&G

Here are the sentences:

The Supreme Court issued a decision on July 9th in the case of McGirt v. Oklahoma that held that "land reserved for the Creek Nation since the 19th century remains 'Indian country.'" This decision is likely to impact how other legal issues in eastern Oklahoma will be handled. See https://www.supremecourt.gov/opinions/19pdf/18-9526_9okb.pdf.

Catherine Tunis

202-564-0476

202-564-0050 fax

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-----Original Appointment-----

From: Mia, Marcia <Mia.Marcia@epa.gov>

Sent: Tuesday, July 21, 2020 6:47 AM

To: Mia, Marcia; Shaikh, Taimur; Binder, Jonathan; Tunis, Catherine

Cc: Alvarado, Tina

Subject: OK O&G

When: Wednesday, July 22, 2020 4:00 PM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Microsoft Teams Meeting

Hi Taim

It may be premature, but I wanted to check in with you and see if there is way we might want to use our Energy Extraction Information for Energy Extraction Portal ([eciee.org](https://www.eciee.org)) to relay information relevant to O&G in Indian country, given the recent SCOTUS decision.

The current IC resources may be found at this tab: <https://www.eciee.org/indiancountry.php>

Marcia B Mia

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Office of Enforcement and Compliance Assurance

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